

REMARKS/ARGUMENT

Favorable reconsideration of this application, as currently amended and in light of the following discussion, is respectfully requested.

Claims 1-6, 8-12, and 15-18 are currently pending. The present amendment amends Claims 1-4, 7-11, and 15-18 without the introduction of any new matter (note the specification at page 13, lines 22-24, for example); and cancels Claims 14 and 19 without prejudice or disclaimer.

In the outstanding Office Action, Applicant's claim for foreign priority was acknowledged, but parts of the filed certified copy of the 2002-217592 application filed in Japan on July 26, 2002, were noted to be missing. Claim 14 was objected to because of informalities. Claims 1 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Parkyn, Jr. et al. (U.S. Patent No. 5,806,955, hereinafter "Parkyn"). Claims 14-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Steiner et al. (U.S. Patent No. 5,748,828, hereinafter "Steiner"). Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parkyn. Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parkyn in view of Vriens (U.S. Patent No. 4,882,617). Claims 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parkyn. Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parkyn in view of Vriens. Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Steiner in view of Vriens.

Applicant thanks the Examiner for the courtesy of a telephonic interview conducted on January 4, 2005. In the interview, Applicant stated that the certified copy of the 2002-217592 application filed in Japan on July 26, 2002, was filed in its entirety. The Examiner stated he only had a few pages in his possession and no evidence of the official seal/ribbon. Applicant explained that obtaining a second certified copy from Japan would be difficult and

lengthy, and proposed to submit all evidence of filing along with copies of the first few pages of the certified application, which were kept in Applicant's records. Therefore, enclosed are a filing receipt dated July 24, 2003, acknowledging the request for priority and receipt of the priority document, a utility patent application transmittal form acknowledging receipt of the certified copy of the priority document, the request priority with which the certified application was submitted, and copies of the first four pages of the certified application, including the cover page which shows the official seal/ribbon. The Examiner stated in the interview that the copy of the cover page showing the official seal/ribbon, in particular, along with the other documents would probably suffice to demonstrate that the certified copy was filed. Accordingly, these documents are respectfully submitted in support of Applicant's claim that the certified copy of the 2002-217592 application was properly filed.

In response to the objection to Claim 14, Claim 14 has been incorporated into Claim 18 in a way that avoids any lack of necessary antecedent basis. Accordingly, no further objection on this basis is anticipated.

Briefly recapitulating, Applicant's invention, as recited in Claim 1, is directed to a planar light source device including a plurality of light sources each configured to emit different colors of light having different light emission angular distribution; and a light guide plate configured to receive the different colors of light having the different light emission angular distribution from the plurality of light sources at a side face and to distribute the light over a surface thereof.

In response to the rejection of Claims 1 and 4 under 35 U.S.C. § 102(b), Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

The outstanding Office Action's rejection is based on the position that the Parkyn light sources (LEDs) inherently "would have an emission angle that differs from one another

given that the location of the light sources are not the same.”¹ However, Applicant respectfully submits that this position is insufficient to show that the Parkyn light sources inherently provide the claimed different light emission angular distributions because it fails to show “that the alleged inherent characteristic necessarily flows from the teachings of the applied prior art”² Applicant respectfully submits that the claimed light emission angular distributions cannot be asserted to be inherent in Parkyn.

The light emission angular distribution of base Claim 1, as explained in the specification, is made different by mounting a refraction member like the acrylic lens 2 on the emission surface of the lens 1.³ It is the refraction provided by this member that provides the different light angular distributions. The location of a source has absolutely nothing to do with its associated light emission angular distribution. For example, as illustrated in Fig. 3A and discussed on page 14, lines 4-12, one could have a large curvature, dome-shaped acrylic lens 2R resulting in highly directional light, or a flat acrylic lens 2B resulting in wider light emission, or an intermediate curvature lens 2G resulting in an intermediate light directivity. Fig. 3B illustrates the light emission angular distribution of light. Fig. 3C further illustrates other possible shapes while page 15, lines 6-10 note the use of refractive members having different refractive index values.

Therefore, Parkyn fails to teach or suggest every feature recited in base independent Claim 1 and Claim 4 that depends from Claim 1. Accordingly, Applicant respectfully

¹See the outstanding Office Action at page 3, item 6.

²See MPEP 2112 (emphasis in original) (citation omitted). See also same section stating that “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic,” (emphasis in original). See also In re Robertson, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999) (“[t]o establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill,’” citing Continental Can Co. v. Monsanto Co., 948 F2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991); and “[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient,” Id. at 1269 (citation omitted)).

³ See the specification at page 14, line 21 – page 15, line 10, for example.

traverses, and requests reconsideration of, the rejection of Claims 1 and 4 as being anticipated by Parkyn.⁴

In response to the rejection of Claims 2 and 3 under 35 U.S.C. § 103(a), Applicant respectfully submits that the rejection should be withdrawn in light of the above argument. Parkyn was applied to Claim 1, but Parkyn does not in fact teach all the limitations of base Claim 1, as demonstrated above, and the Office Action does not provide a reference that would teach the above mentioned feature of Claim 1. It is therefore respectfully requested that the rejection of Claims 2 and 3 be withdrawn.

Furthermore, the Office Action states on page 5 that it would have been obvious to modify the emission surface with different facets corresponding to a specific light wavelength to ensure proper light distribution. Applicant respectfully submits that whereas Parkyn proposes a variety of lenses, there is no mention of using different lenses with different colors. Moreover, this would not be obvious at all without the benefit of exposure to the specification of the current application.

In response to the rejection of Claims 5 and 6 under 35 U.S.C. § 103(a), Applicant respectfully submits that the rejection should be withdrawn in light of the above argument. Parkyn was applied to Claim 1, but Parkyn does not in fact teach all the limitations of Claim 1, as demonstrated above. Moreover, Vriens does not teach the above mentioned feature of Claim 1 not taught by Parkyn. Accordingly, Parkyn and Vriens, whether taken alone or in combination, do not teach all the limitations of Claim 1. It is therefore respectfully requested that the rejection of Claims 5 and 6 be withdrawn.

⁴ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

In response to the rejection of Claims 7-11 under 35 U.S.C. § 103(a), Applicant amended Claim 7 to recite “a plurality of refractors, each of the refractors being configured to refract light from each of the plurality of light sources, wherein: a shape of each of the refractors is different for each color of the plurality of light sources; and a refraction angle of each of the refractors is different for each color of the plurality of light sources.”

Applicant respectfully submits that the Parkyn patent discloses a planar light source device including a plurality of light sources emitting different colors of light and a TIR lens mounted on a side surface of the light guide for changing the direction of illumination from the plurality of light sources. However, the Parkyn patent does not disclose a refractor having a different shape for different light sources emitting different colors of light. There is no teaching or suggestion in Parkyn that the shape of the TIR lens is changed according to emitted light color. Moreover, there is no reason or motivation in Parkyn, other than examination in hindsight of Applicant’s specification, for having a refractor having a different shape for different light sources emitting different colors of light.

Therefore, Applicant respectfully submits that Parkyn does not teach all the limitations of amended independent Claim 7. Accordingly, Applicant respectfully submits that Claim 7 and all associated dependent Claims are patentable over Parkyn.

In response to the rejection of Claims 12 and 13 under 35 U.S.C. § 103(a), Applicant respectfully traverses the rejection in light of the above arguments regarding independent Claim 7. Furthermore, the Office Action admits that Parkyn does not teach the subject matter of Claims 12 and 13, but asserts that Vriens cures the deficiencies of Parkyn. More specifically, the Office Action asserts that Vriens teaches a liquid crystal display having a liquid crystal as an electro-optical medium present between two parallel substrates wherein light transmits through a phosphor and interference layers that filters and emits a hue with purity and contrast. The Office Action further asserts that it would have been obvious to

modify the liquid crystal display of Parkyn to incorporate the panel with two substrates of Vriens in order to improve overall brightness and color purity. Applicant respectfully submits, that even if this assertion were correct, a liquid display device “wherein different refraction angles for different colors of light are provided in order that wavelength dependence of transmittance at a viewing direction in the liquid crystal panel is canceled out by wavelength dependence of luminance at the viewing direction in the planar light source device” would still not be taught. Applicant respectfully submits that “improve overall brightness and color purity” is a vague statement whose actual significance cannot really be ascertained whereas “different refraction angles for different colors of light are provided in order that wavelength dependence of transmittance at a viewing direction in the liquid crystal panel is canceled out by wavelength dependence of luminance” is a clear statement which is neither disclosed nor suggested in any of the cited references. In particular, “canceled out” teaches a level of quantification that cannot be taught by a qualitative teaching such as the one asserted to be disclosed in Vriens. Further, the Office Action states that devices to “cancel out undesired wavelengths of light at certain locations for a desired output” are commonly known in the art. Applicant respectfully point out that Claim 12 does not recite undesired wavelengths that are canceled out, but rather a wavelength dependence of transmittance that is canceled out by a wavelength dependence of luminance.

Therefore, Applicant respectfully submits that Parkyn and Vriens, whether alone or in combination, do not teach all the limitations of amended independent Claim 12. Accordingly, Applicant respectfully submits that Claim 12 and all associated dependent Claims are patentable over Parkyn and Vriens.

In response to the rejection of Claims 18 and 19 under 35 U.S.C. § 103(a), Claims 14 and 19 have been incorporated into Claim 18 and Claims 15-17 have been amended to depend from Claim 18. Claims 14 and 19 have been canceled. The Office Action admits that

Steiner does not teach the subject matter of Claims 12 and 13, but asserts that Vriens cures the deficiencies of Steiner. The reasoning above also applies to the combination of Vriens and Steiner asserted to remedy the admitted failure of Steiner to teach the subject matter of amended Claim 18 since Claim 18 recites a hologram "arranged in order that wavelength dependence of transmittance at a viewing direction in the liquid crystal panel is canceled out by wavelength dependence of luminance at the viewing direction in the planar light source device."

Therefore, Applicant respectfully submits that Steiner and Vriens, whether alone or in combination, do not teach all the limitations of amended independent Claim 18. Accordingly, Applicant respectfully submits that Claim 18 and all associated dependent Claims are patentable over Steiner and Vriens.

In response to the rejection of Claims 14-17 under 35 U.S.C. § 102(b), Applicant respectfully submits that the rejection is moot in light of the cancellation of Claim 14.

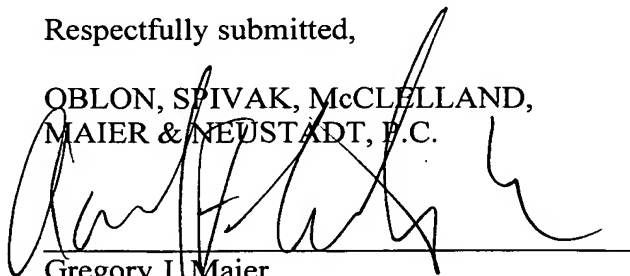
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance.

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Respectfully submitted,

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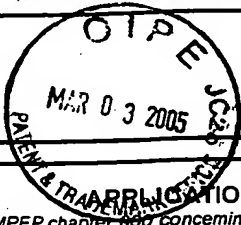


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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))



Attorney Docket No.	240624US2X
First Inventor or Application Identifier	Hideyo OHTSUKI, et al.
Title	PLANAR LIGHT SOURCE DEVICE AND LIQUID CRYSTAL DISPLAY DEVICE USING THE SAME
Assignee Name:	1) Advanced Display Inc., 2) Mitsubishi Denki Kabushiki Kaisha
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See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Commissioner for Patents
Mail Stop Patent Application
Alexandria, Virginia 22313

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification Total Sheets
3. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets
4. ☒ Oath or Declaration Total Pages
 - a. ☒ Newly executed (original)
 - b. ☐ Copy from a prior application (37 C.F.R. §1.63(d))
(for continuation/divisional with box 17 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).
5. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
6. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification or Sequence Listing on :
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☒ Application Data Sheet. See 37 CFR 1.76
9. ☐ 37 C.F.R. §3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations (3)
12. ☐ Preliminary Amendment
13. ☒ White Advance Serial No. Postcard
14. ☒ Certified Copy of Priority Document(s) (1) (if foreign priority is claimed)
15. ☐ Applicant claims small entity status. See 37 CFR 1.27
16. ☒ Other: Request for Priority

COPY

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application no.:
Prior application information: Examiner: Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. Amend the specification by inserting before the first line the sentence:

- ☐ This application is a ☐ Continuation ☐ Division ☐ Continuation-in-part (CIP)
of application Serial No. Filed on
☐ This application claims priority of provisional application Serial No. Filed

19. CORRESPONDENCE ADDRESS



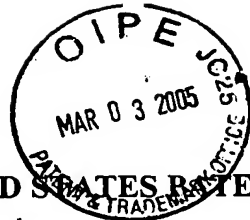
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Docket No. 240624US2X



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) Hideyo OHTSUKI, et al.

SERIAL NO: New Application

FILING DATE: Herewith

FOR: PLANAR LIGHT SOURCE DEVICE AND LIQUID CRYSTAL DISPLAY DEVICE USING THE SAME

FEE TRANSMITTAL

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	19 - 20 =	0	x \$18 =	\$0.00
INDEPENDENT CLAIMS	3 - 3 =	0	x \$84 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS (If applicable)			+ \$280 =	\$0.00
<input type="checkbox"/> LATE FILING OF DECLARATION			+ \$130 =	\$0.00
			BASIC FEE	\$750.00
			TOTAL OF ABOVE CALCULATIONS	\$750.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING BY SMALL ENTITY				\$0.00
<input type="checkbox"/> FILING IN NON-ENGLISH LANGUAGE			+ \$130 =	\$0.00
<input type="checkbox"/> RECORDATION OF ASSIGNMENT			+ \$40 =	\$0.00
			TOTAL	\$750.00

- ☐ Please charge Deposit Account No. 15-0030 in the amount of _____ A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$750.00 to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

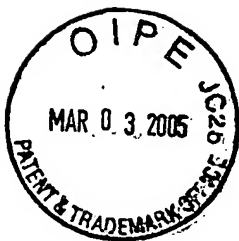
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KLM

OSMM&N File No. 240624US2X

Dept.: PP/JF

By: MJS/scm

Serial No. New Application

In the matter of the Application of: Hideyo OHTSUKI, et al.

For: PLANAR LIGHT SOURCE DEVICE AND LIQUID CRYSTAL DISPLAY
DEVICE USING THE SAME

Due Date: 07/26/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 33 pp. Specification 19 Claims/Drawings 6 Sheets and
3 Pages Application Data Sheet
- Combined Declaration, Petition & Power of Attorney 4 Pages
- Utility Patent Application Transmittal
- Request for Priority
- Priority Doc 1
- Check for \$750.00
- Dep. Acct. Order Form
- Fee Transmittal Form
- Information Disclosure Statement
- PTO-1449
- Cited References 3
- White Advance Serial Number Card

